

21 C.J.S. Courts § 214

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Courts

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VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

2. Courts Making Prior Decision

§ 214. Executive departments and special tribunals

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Decisions or rulings of executive departments, including the attorney general, are not generally considered binding on the courts.

Decisions or rulings of executive departments are not generally considered binding on the courts.¹ Although a state supreme court commonly gives the case law of a state tax court close attention for its intrinsic logical value, it is not bound by that court's decisions.² Interpretations by a professional responsibility board guide attorneys' professional conduct, but are not binding on a state supreme court,³ since the court is charged with the ultimate duty of overseeing attorneys' conduct.⁴

CUMULATIVE SUPPLEMENT

Cases:

Although not binding on courts, Department of Justice's Office of Legal Counsel's opinions reflect the legal position of the executive branch and are generally viewed as providing binding interpretive guidance for executive agencies. [Casa De Maryland v. U.S. Department of Homeland Security](#), 924 F.3d 684 (4th Cir. 2019).

[END OF SUPPLEMENT]

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Footnotes

- 1 U.S.—*Dysthe v. Department of Transp., F.A.A.*, 795 F.2d 71 (Fed. Cir. 1986) (Merit Systems Protection Board); *Corrigan v. U.S.*, 70 Fed. Cl. 665 (2006) (General Services Board of Contract Appeals).
- Cal.—*Pacific Gas & Electric Co. v. Dame Construction Co.*, 191 Cal. App. 3d 233, 236 Cal. Rptr. 351 (1st Dist. 1987) (public utilities commission).
- Mich.—*Capac Bus Drivers Ass'n v. Capac Community Schools Bd. of Educ.*, 140 Mich. App. 542, 364 N.W.2d 739, 23 Ed. Law Rep. 1031 (1985) (National Labor Relations Board).
- S.C.—*Garris v. Cincinnati Ins. Co.*, 280 S.C. 149, 311 S.E.2d 723 (1984).
- Advisory opinions of attorneys general, see § 230.
- United States Citizenship and Immigration Services (USCIS) decisions**
Unpublished United States Citizenship and Immigration Services decisions in special immigrant juvenile (SIJ) proceedings were not considered binding precedent.
- Cal.—*Eddie E. v. Superior Court*, 234 Cal. App. 4th 319, 183 Cal. Rptr. 3d 773 (4th Dist. 2015).
- 2 Or.—*Trendwest Resorts, Inc. v. Department of Revenue*, 340 Or. 413, 134 P.3d 932 (2006).
- 3 Minn.—*In re Admonition Issued in Panel File No. 99-42*, 621 N.W.2d 240 (Minn. 2001).
- 4 Utah—*Burke v. Lewis*, 2005 UT 44, 122 P.3d 533 (Utah 2005).

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